



Order Filed on December 7, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
McCABE, WEISBERG & CONWAY, LLC By: Andrew M. Lubin, Esq. (Atty. I.D.#AL0814) 216 Haddon Avenue, Suite 201 Westmont, NJ 08108 856-858-7080 Attorneys for Movant: Citizens Bank, N.A.	
IN re:	
Richard K Biela Debtor	

Case No.: 18-20646-RG
Chapter: 13
Hearing Date: December 6, 2023
Time: 10:00 a.m.
Judge: Rosemary Gambardella

Recommended Local Form	<input checked="" type="checkbox"/> Followed	<input type="checkbox"/> Modified
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**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: December 7, 2023

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: Citizens Bank, N.A.
Applicant's Counsel: Andrew M. Lubin, Esq.
Property Involved ("Collateral") 901 Stuyvesant Ave Unit 211, Union, New Jersey 07083

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 6 months, from June 1, 2023 to November 1, 2023
☒ The Debtor is overdue for five (5) payments, each in the amount of \$1,389.61, representing June 2023 through October 2023; and one (1) payment in the amount of \$1,489.68 representing November 2023.

☒ The Debtor is credited with funds in suspense in the amount of \$191.05.

Total Arrearages Due: \$8,246.68

2. Debtor must cure all post-petition arrearages, as follows:

☒ Beginning on December 1, 2023, regular monthly mortgage payment shall continue to be made in the amount of \$1,489.68.

☒ The amount of \$8,246.68 shall be capitalized in the debtor's Chapter 13 plan. The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Regular monthly payment: Citizens Bank, N.A.
P.O. Box 2800
Glen Allen, VA 23058-6260

☐ Immediate payment: Same as above

☐ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the

Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$500.00 and costs of \$188.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

In re:
Richard K Biela
Debtor

Case No. 18-20646-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Dec 07, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 09, 2023:

Recip ID	Recipient Name and Address
db	+ Richard K Biela, 901 Stuyvesant Ave Apt 211, Union, NJ 07083-6957

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 09, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 7, 2023 at the address(es) listed below:

Name	Email Address
Andrew M. Lubin	on behalf of Creditor INVESTORS BANK nj-ecfmail@mwc-law.com alubin@milsteadlaw.com
Andrew M. Lubin	on behalf of Creditor Citizens Bank N.A. nj-ecfmail@mwc-law.com, alubin@milsteadlaw.com
Darin D Pinto	on behalf of Debtor Richard K Biela dpintolaw@comcast.net
Denise E. Carlon	on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Kevin Gordon McDonald	on behalf of Creditor Toyota Motor Credit Corporation kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Dec 07, 2023

Form ID: pdf903

Total Noticed: 1

R. A. Lebron

on behalf of Creditor INVESTORS BANK bankruptcy@fskslaw.com

Richard James Tracy, III

on behalf of Creditor TD Bank N.A. richard.tracy.iii@gmail.com,
tshariff@schillerknapp.com;kcollins@schillerknapp.com;ahight@schillerknapp.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9